

INTERVIEW SUMMARY

Examiner Sasan's grant of a telephone interview on January 3, 2012, is gratefully acknowledged. Attending by phone were applicants' attorney, Ted Whitlock, joined by Robert Goldfarb, President of ACCU-BREAK Technologies, Inc. (the Assignee) and Dr. David Beach, consultant to the Assignee, as well as Examiner Sasan and SPE Robert Wax.

At issue during the interview were the rejections presented in the October 7, 2011 Office Action. In particular, the discussion focused on the Hess reference (Swiss Patent document CH648754) cited as an anticipating reference under 35 USC 102 and, in combination with US Pat. No. 4,786,547 to Schmidt, as making obvious the subject invention under 35 USC 103.

Applicants' attorney emphasized the distinctions of the subject invention from Hess and/or Schmidt. First, the subject invention concerns a tablet having a score on the bottom (active) layer only, which neither reference describes. This "bottom-score-only" requirement was unexpectedly discovered in view of the further recognition that tamping the first (bottom) layer cannot be carried out by an embossed top punch without disadvantageously forming an undesired indentation in the top surface of the bottom layer if tamped. Thus, the interface of the two segments is not level or planar, and cannot provide a discrete separation of the layer into first and second unitary segments. Prototype tablets and photographs, in the record, illustrating these distinctions were referred to and acknowledged by the Examiner.

Examiner Sasan and SPE Wax noted the identified distinctions would preferably be expressly recited within the claims.

No agreement as to claim language was reached. Applicants' attorney agreed to provide amended claims expressly reciting these distinctions.